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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,182	11/17/2003	Joseph Andrew Langford	10471-007-999	3372
20583	7590	07/06/2006	EXAMINER	
JONES DAY			THOMAS, LUCY M	
222 EAST 41ST ST				
NEW YORK, NY 10017			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/715,182	LANGFORD ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Lucy Thomas	2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 34-44 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 34-44 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Pintell (US 4,068,276). Regarding Claim 34, Pintell discloses an electric power fault detection and isolation apparatus (Figures 1-4), comprising a control circuit comprising a control relay 7 having main contacts capable of connecting power supply to a load (Column 1, lines 42-58, Claim 1); and a sensor circuit comprising a sensing diode 19, 13 detecting one or more voltages across the main contacts, each such voltage drop corresponding to a transient, arc, or ground fault that causes fault currents to pass through the main contacts; and a tripping circuit coupled to the sensing element and control relay wherein the tripping circuit de-energizes the control relay in response to the faults detected by the sensing diode, thereby disconnecting the power supply from the load (Column 1, lines 6-10, Column 2, lines 1-34, 50-67, Column 3, lines 1-23, 59-65).

Regarding Claim 35, Pintell discloses the electric power fault detection and isolation apparatus, wherein the sensor circuit operates independent of the load (Column 2, lines 1-34, 50-67, Column 3, lines 1-23).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pintell (US 4,068,276) in view of Spencer (US 4,949,214). Regarding Claim 36, Pintell does not disclose a time delay circuit that isolates the sensor circuit from the main contacts during a predetermined time period after the control circuit connects the power supply to the load. Spencer discloses an electric power fault detection and isolation apparatus (Figures 1-5), comprising a control circuit 12 comprising a control relay having main contacts capable of connecting power supply to a load; and a sensor circuit 38, a tripping circuit coupled to the sensing element and control relay wherein the tripping circuit de-energizes the control relay in response to the faults detected by the sensing diode, thereby disconnecting the power supply from the load (Column 5, lines 61-67, Column 6, lines 1-13, 24-44), and a time delay circuit R2, R3, C (see Figure 2) coupled to the control circuit and sensor circuit, wherein the time delay circuit isolates the sensor circuit from the main contacts during a predetermined time period after the control circuit connects the power supply to the load (Column 8, lines 46-52, 56-61). It would have been obvious to those skilled in the art at the time the invention was made to modify the apparatus of Pintell and provide a time delay circuit as taught by Spencer,

to more accurately distinguish between temporary transients at start up and true faults (Spencer Column 8, lines 20-61).

Regarding Claim 37, Spencer disclose the electric power fault detection and isolation apparatus, wherein the tripping circuit further comprises a counting circuit 54 (see Figure 3) that counts the number of faults detected by the sensing element and de-energizes the control relay after a predetermined number of faults (Column 9, lines 8-49).

4. Claims 38-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pintell (US 4,068,276) in view of Spencer (US 4,949,214) and Beihoff et al. (US 5,185,684). Regarding Claim 38, Pintell and Spencer do not disclose an optocoupler emitter diode and the sensor circuit further comprising an optocoupler detecting diode. Beihoff et al. discloses an electric power fault detection and isolation apparatus (Abstract, Figure 2), comprising a control circuit comprising a control relay 60 having main contacts capable of connecting a power supply to a load, and a sensor circuit (see Figure 3) comprising a sensing diode, wherein the sensing diode is an optocoupler emitter diode 644 and a sensor circuit, which comprises an optocoupler detecting diode (see collector emitter diode of 646 in Figure 9, Column 12, lines 42-53). It would have been obvious to one of ordinary skill in art at the time the invention was made to modify the apparatus of Pintell and Spencer with an optocoupler as taught by Beihoff et al., because optocoupler provides added isolation and safety for the apparatus (Beihoff Column 14, lines 17-21).

Regarding Claim 39, Beihoff et al. discloses an electric power fault detection and isolation apparatus, wherein the sensor circuit further comprises an AND gate 742 that receives a signal 652 from the optocoupler detecting diode as an input (Figures 9 and 12).

Claim 40 recites the elements of Claim 1 and Claim 2 combined except that the sensing diode is not recited as part of the sensing circuit. Therefore, please see the rejection for Claim 1 above. Regarding method claims 41-43, one would necessarily perform the recited method steps in the assembly of the apparatus rejected above. Claim 44 recites the elements of Claim 1, except that the sensing diode is referred only as a means for detecting. Therefore, please see the rejection for Claim 1 and 2 above.

***Response to Arguments***

5. Applicant's arguments filed on 4/21/2006 have been fully considered.

Applicant's arguments toward the Niven reference have been considered but are moot as the reference has been withdrawn from rejection.

Applicant's arguments with respect to Claims 34, 40, and 44 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's statement with respect to the time delay circuit of Spencer: RC circuit taught by the Spencer reference is a time delay circuit (see Column 8, lines 46-61).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucy Thomas whose telephone number is 571-272-

6002. The examiner can normally be reached on Monday - Friday 8:00 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LT  
June 26, 2006

  
BURTON S. MULLINS  
PRIMARY EXAMINER